

2411. Adulteration of isotonic solution of sodium chloride. U. S. v. 188 Vials
* * *. (F. D. C. No. 24597. Sample No. 31134-K.)

LIBEL FILED: April 15, 1948, Southern District of California.

ALLEGED SHIPMENT: On or about March 19, 1948, by Bristol Laboratories, Inc., from Syracuse, N. Y.

PRODUCT: 188 20-cc. size vials of *isotonic solution of sodium chloride* at Los Angeles, Calif.

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Isotonic Sodium Chloride Solution for Parenteral Use," a drug the name of which is recognized in the United States Pharmacopoeia, and its quality and purity fell below the official standard since it was contaminated with undissolved material.

DISPOSITION: May 19, 1948. Default decree of condemnation and destruction.

2412. Adulteration and misbranding of sulfathiazole tablets. U. S. v. 23 Bottles
* * *. (F. D. C. No. 24374. Sample No. 8268-K.)

LIBEL FILED: March 11, 1948, District of New Jersey.

ALLEGED SHIPMENT: On or about February 4, 1948, by the Ziegler Pharmacal Co., from Buffalo, N. Y.

PRODUCT: 23 bottles of *sulfathiazole tablets* at Newark, N. J. Examination showed that each bottle contained approximately 850 whole tablets and broken pieces of approximately 150 tablets. Approximately 380 whole tablets contained less than 0.475 gram of sulfathiazole.

LABEL, IN PART: "1000 Tablets Sulfathiazole Each Tablet contains 0.5 gm. 2-Sulfanilylaminothiazole."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Sulfathiazole Tablets," a drug the name of which is recognized in the United States Pharmacopoeia, and its strength differed from the official standard since the article consisted of tablets of less than 95 percent of the declared amount of sulfathiazole.

Misbranding, Section 502 (a), the label statement "1000 Tablets" was false and misleading as applied to an article which contained in each bottle many broken pieces of tablets.

DISPOSITION: May 11, 1948. Default decree of condemnation and destruction.

2413. Adulteration of catnip. U. S. v. 2 Bales * * *. (F. D. C. No. 24401. Sample No. 27147-K.)

LIBEL FILED: January 8, 1948, Southern District of Illinois.

ALLEGED SHIPMENT: On or about April 4, 1946, by the Wilcox Drug Co., of Boone, N. C., from Elk Park, N. C.

PRODUCT: 2 150-pound bales of *catnip* at Peoria, Ill. Examination showed that not less than 25 percent of the stems of the product were over 4 millimeters in diameter.

NATURE OF CHARGE: Adulteration, Section 501 (b), the quality of the product fell below the official standard, since the National Formulary provides that not more than 5 percent of the stems of *catnip* shall be over 4 millimeters in diameter.

DISPOSITION: June 24, 1948. Default decree of condemnation and destruction.

2414. Adulteration and misbranding of prophylactics. U. S. v. 13 Cartons, etc. (and 1 other seizure action). (F. D. C. Nos. 24337, 24694. Sample Nos. 667-K, 10205-K, 10206-K.)

LIBELS FILED: On or about February 11 and April 5, 1948, Southern District of New York and Northern District of Georgia.

ALLEGED SHIPMENT: On or about December 31, 1947, and January 7 and February 19, 1948, by the Duratex Corp., from Newark, N. J.

PRODUCT: *Prophylactics*. 13 cartons containing approximately 1,000 gross and 7 cartons containing approximately 500 gross at New York, N. Y., and 86 gross at Atlanta, Ga. Examination of samples disclosed that 26 percent of the 13-carton lot, 8 percent of the 7-carton lot, and 2.87 percent of the 86-gross lot, were defective by reason of the presence of holes.

LABEL, IN PART: (Atlanta lot) "Fan Genuine Latex Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the statement "Prophylactics" on the label of the article in the Atlanta lot was false and misleading as applied to an article containing holes.

DISPOSITION: March 10 and May 13, 1948. Default decree of condemnation and destruction.

2415. Adulteration and misbranding of prophylactics. U. S. v. 48 Gross * * *. (F. D. C. No. 24372. Sample No. 442-K.)

LIBEL FILED: March 11, 1948, Western District of North Carolina.

ALLEGED SHIPMENT: On or about January 29, 1948, by W. H. Reed & Co., Inc., from Atlanta, Ga.

PRODUCT: 48 gross of *prophylactics* at Shelby, N. C. Examination of samples showed that 5 percent were defective in that they contained holes.

LABEL, IN PART: "P A N Tested Prophylactics."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statement "Tested Prophylactics" was false and misleading as applied to an article containing holes.

DISPOSITION: May 17, 1948. W. H. Reed & Co., Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for segregation and conversion of the unfit portion into scrap rubber, under the supervision of the Federal Security Agency. The product was found unmarketable and was converted into scrap rubber and burned.

2416. Adulteration and misbranding of clinical thermometers. U. S. v. 16 Dozen * * *. (F. D. C. No. 24375. Sample No. 32384-K.)

LIBEL FILED: March 11, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about January 30, 1948, by the Philbern Thermometer Co., from New York, N. Y.

PRODUCT: 16 dozen envelopes each containing 1 *clinical thermometer* at San Francisco, Calif. Examination of 24 thermometers showed that 11 would not give accurate readings.

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, since it would not give accurate readings.

Misbranding, Section 502 (a), the following label statements were false and misleading as applied to an article that would not give accurate readings: "This certifies that this thermometer has been tested on this date at 96°, 100°, 104° and 106° Fahrenheit scale or its equivalent in Centigrade scale, and is correct within plus or minus 2/10 at any of these points. This test is governed by a standard thermometer which has been tested and approved by the Bureau of Standards, Washington, D. C. This thermometer is guaranteed to be of absolute accuracy." Further misbranding, Section 502 (b) (1), the article failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

DISPOSITION: September 21, 1948. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

DRUGS FOR HUMAN USE*

2417. Action to enjoin and restrain the interstate shipment of Dr. Hartman's Modified Diabetic Treatment. U. S. v. Dr. Perry Vernon Hartman, Sr. (Hartman Diabetic Hospital). Consent decree granting injunction. (Inj. No. 184.)

COMPLAINT FILED: May 26, 1948, Southern District of Illinois, against Dr. Perry Vernon Hartman, Sr., trading as Hartman Diabetic Hospital at Granville, Ill.

NATURE OF CHARGE: That the defendant had been and was causing to be introduced and delivered for introduction into interstate commerce at Spring Valley,

*See also Nos. 2401, 2403, 2404, 2407, 2410, 2412, 2414-2416.